

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 26-27, 2006

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Division Chief
Right of Way and Land Surveys

Ref: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19326 through C-19363. Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

ISSUE:

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

C-19326 - Surjit Rahul, et ux.

03-Sut-70-PM 7.0 - Parcel 033081-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 - EA 3864U9 - Certification Date: 07/01/06 - Ready to List (RTL) Date: 07/01/06. Expressway - widen State Route (SR) 70. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, easements for utility and drainage purposes to be conveyed to Pacific Gas and Electric and Reclamation District 1001 respectively, temporary easements for construction purposes and underlying fee. Located in the town of Rio Oso, east of SR 70, south of Kempton Road. APN 28-150-044.

C-19327 - Surjit Rahul, et ux.

03-Sut-70-PM 7.1 - Parcel 033088-1, 2 - EA 3864U9 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Expressway - widen SR 70. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the town of Rio Oso, northeast of SR 70 and Berry Road. APNs 28-050-010; 28-170-039.

C-19328 - Richard Taresh, et ux.

03-Sut-70-PM 7.6/8.1 - Parcel 033109-1, 2, 3, 4, 5 - EA 3864U9 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Expressway - widen SR 70. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, easements for utility and drainage purposes to be conveyed to Pacific Gas and Electric and Reclamation District 1001 respectively, and a temporary easement for construction purposes. Located in the town of Rio Oso near SR 70 and Rio Oso Road. APNs 28-070-002, -003.

C-19329 - Dana Denman

04-SM-1-PM 39.77 - Parcel 60408-1, 2, 3, 4 - EA 1123K9 - Certification Date: 05/31/05 - RTL Date - 06/28/05. Conventional highway - bridge construction. Authorizes condemnation of a temporary easement for mitigation purposes. Located near the city of Pacifica at 5901 Cabrillo Highway. APNs 023-741-010; 023-741-020.

C-19330 - Port of Oakland

04-Ala-880-PM 30.40 - Parcel 57911-1, 2, 3 - EA 1706U9 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Seismic retrofit - construct an auxiliary land and retrofit the overhead bridge at 5th Avenue (BR#33-27). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction, extinguishment of abutter's rights, and a permanent easement for maintenance. Located in the city of Oakland near Embarcadero, north of 5th Avenue. APN 0000-0430-001-002.

C-19331 - Port of Oakland

04-Ala-880-PM 30.58 - Parcel 57912-1, 2, 3 - EA 1706U9 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Seismic retrofit - construct an auxiliary lane and retrofit the overhead bridge at 5th Avenue (BR#33-27). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction, and a permanent easement for maintenance. Located in the city of Oakland near Embarcadero, north of 5th Avenue. APN 0000-0455-004-02.

C-19332 - Port of Oakland

04-Ala-880-PM 30.20 - Parcel 57913-1, 2, 3, 4, 5, 6, 7 - EA 1706U9 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Seismic retrofit - construct an auxiliary lane and retrofit the overhead bridge at 5th Avenue (BR#33-27). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights, temporary easements for construction, permanent easements for maintenance, structural footing, and drainage. Located in the city of Oakland near Embarcadero, between 5th and 10th Avenues. APN 0000-0475-001.

C-19333 - Port of Oakland

04-Ala-880-PM 30.42 - Parcel 58601-1, 2, 3, 4, 5 - EA 1706U9 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Seismic retrofit - construct an auxiliary lane and retrofit the overhead bridge at 5th Avenue (BR#33-27). Authorizes condemnation of temporary easements for highway construction, permanent easements for maintenance, and an easement for underground utilities to be conveyed to Kinder Morgan. Located in the city of Oakland at 251 5th Avenue. APN 0000-0475-001.

C-19334 - George Kasparek, et ux.; Vanvipa Poonsopin, et al. (Lessee)

05-SLO-101/41-PM 45.6 - Parcel 8834-1 - EA 402809 - Certification Date: 06/01/06 - RTL Date: 07/01/06. Freeway - interchange improvements. Authorizes condemnation of land in fee for a State highway. Located in the city of Atascadero at 7030 El Camino Real. APN 030-212-024.

C-19335 - Tosco Trust, et al.

06-Tul-63-PM 6.52 - Parcel 84764-1, 2, 3, 4 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line, and a temporary construction easement. Located in the city of Visalia at 2825 South Mooney Boulevard. APN 121-090-038.

C-19336 - Washington Mutual

06-Tul-63-PM 6.71 - Parcel 84765-1, 2 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Visalia at 2735 South Mooney Boulevard. APN 121-070-048.

C-19337 - Union Bank, a California Banking Corporation

06-Tul-63-PM 7.08 - Parcel 84774-1, 2 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Visalia at 2101 South Mooney Boulevard. APN 121-160-003.

C-19338 - Flyers, LLC, a California Limited Liability Company

06-Tul-63-PM 7.08 - Parcel 84805-1, 2, 3 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line, and a temporary construction easement. Located in the city of Visalia at 1930 South Mooney Boulevard. APN 096-291-023.

C-19339 - Joan L. Getschman, et al.; Weatherby's Furniture Guild (Lessee)

06-Tul-63-PM 7.08 - Parcel 84806-1, 2 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Visalia at 2032 South Mooney Boulevard. APN 122-040-035.

C-19340 - Behrouz Binesh

06-Tul-63-PM 6.52 - Parcel 84811-1, 2, 3 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Visalia at 2736 South Mooney Boulevard. APN 122-011-014.

C-19341 - Hacienda La Puente Unified School District

07-LA-60-PM 15.1 - Parcel 79455-1 - EA 1294U9 - Certification Date: 04/03/06 - RTL Date: 05/05/06. Freeway - construct HOV lanes and soundwalls. Authorizes condemnation of a temporary easement for highway construction. Located in the unincorporated area of Los Angeles County, commonly known as Hacienda Heights, at 15325 Los Robles Avenue. APN 8215-001-900.

C-19342 - Kent Joseph Broglio, et ux.

10-Cal-4-PM 21.56 - Parcel 14875 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at 762 Easy Street, House A. APN 057-020-030.

C-19343 - Bob Alan Broglio

10-Cal-4-PM 21.5 - Parcel 14877-1, 2; 15083 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for ingress and egress. Located in the city of Angels Camp at 834 Gardner Lane. APN 057-020-030.

C-19344 - Mary H. Miller, Trustee, etc., et al.

10-Cal-4-PM 21.38 - Parcel 14879 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at 180 Dogtown Road. APN 057-021-015-000.

C-19345 - Diane D. Morrow, Trustee, etc. et al.

10-Cal-4-PM 21.31 - Parcel 14881 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp near Dogtown Road. APN 057-021-019-000.

C-19346 - Beulah B. Tomlinson

10-Cal-4-PM 21.56 - Parcel 14884 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would have little market value. Located in the city of Angels Camp at 764 Easy Street.
APN 057-022-036.

C-19347 - Ken J. Avey, Trustee, etc., et al.

10-Cal-4-PM 21.62 - Parcel 14886-1, 2 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary construction easement. Located in the city of Angels Camp, northeast of the intersection of SR 49 and SR 4. APN 057-022-048.

C-19348 - K. Shane Avey, et ux.

10-Cal-4-PM 21.72 - Parcel 14887 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at 13 Avey Ridgetrail. APN 057-029-049.

C-19349 - Gene McLaughlin Construction Co., Inc., Pension Plan

10-Cal-4-PM 21.44 - Parcel 14904 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at the west side of Gardner Lane, parallel to the west side of Casey Street. APN 057-029-022.

C-19350 - The City of San Diego

11-SD-52-PM 17.3 - Parcel 27449; 32707 - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Santee between 8681-85 N. Magnolia Avenue and the northerly 15 feet of 8663-69 N. Magnolia Avenue. APNs 384-141-14; 384-410-14.

C-19351- Magnolia Industrial Park, a General Partnership

11-SD-52-PM 17.3 - Parcel 28029 - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Santee at 8646 Magnolia Avenue. APN 384-260-71.

C-19352 - Magnolia Industrial Park, a General Partnership

11-SD-52-PM 17.3 - Parcel 28031 - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Santee at 8652 Magnolia Avenue. APN 384-260-75.

C-19353 - Pro-Prep Baseball/Softball Academy (Lessee)

11-SD-52-PM 17.3 - Parcel 28033-A - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of interest of lessee. Located in the city of Santee at 8669 N. Magnolia Avenue, Suite A-E. APN 384-141-05.

C-19354 - Computer Integrated Machining, Inc. (Lessee)

11-SD-52-PM 17.3 - Parcel 28033-B - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of interest of lessee. Located in the city of Santee at 8663 N. Magnolia Avenue, Suite B, C, D. APN 384-141-05.

C-19355 - Herbal Accents (Lessee)

11-SD-52-PM 17.3 - Parcel 28033-C - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of interest of lessee. Located in the city of Santee at 8663 N. Magnolia Avenue, Suite G. APN 384-141-05.

C-19356 - Co-Op Transmission (Lessee)

11-SD-52-PM 17.3- Parcel 28033-D - EA 010629 - Certification Date: 04/15/07 - RTL Date: 06/06/07. Freeway - construct four-lane freeway. Authorizes condemnation of interest of lessee. Located in the city of Santee at 8663 N. Magnolia Avenue, Suite A. APN 384-141-05.

C-19357 - Tecate U.S.A., LLC, A California Limited Liability Company

11-SD-188-PM 0.12 - Parcel 32709-1 - EA 256509 - Certification Date: 05/01/06 - RTL Date: 05/30/06. Construct commercial vehicle enforcement facility. Authorizes condemnation of land in fee for a State highway. Located in the city of Tecate at Thing Road, east of SR 188/Tecate Road and International Port of Entry, and north of the 60-foot buffer between the International border and the United States. APN 652-170-65.

C-19358 - Caesar Moreno, et ux.

11-SD-188-PM 0.12 - Parcel 32733-1 - EA 256509 - Certification Date: 05/01/06 - RTL Date: 05/31/06. Construct commercial vehicle enforcement facility. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and underlying fee. Located in the unincorporated area of the city of Tecate, at the intersection of SR 188 and Thing Road. APN 652-170-22.

C-19359 - Carlos G. Adams

11-SD-188-PM 0.12 - Parcel 32741-1; 32953-1 - EA 256509 - Certification Date: 05/01/06 - RTL Date: 05/31/06. Construct commercial vehicle enforcement facility. Authorizes condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. Located in the city of Tecate at Thing Road, east of SR 188/Tecate Road and International Port of Entry, and north of the 60-foot buffer between the International border and the United States. APN 652-170-08.

C-19360 - Louis T. Sparks, etc. et al.

11-SD-905-PM 8.3 - Parcel 31360-1, 2 - EA 091829 - Certification Date: 01/17/05 - RTL Date: 05/04/06. Freeway - construct a six-lane freeway. Authorizes condemnation of a temporary easement for access and highway construction purposes, a permanent easement for road purposes, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line. Located in the city of San Diego at 1708 Cactus Road. APNs 646-190-20, -21.

C-19361 - OWDP, LLC, a California Limited Liability Company

11-SD-905-PM 10.9 - Parcel 31381-1, 2, 3, 4 - EA 091829 - Certification Date: 01/17/05 - RTL Date: 05/04/06. Freeway - construct a six-lane freeway. Authorizes condemnation of temporary easements for construction, permanent easements for public road and slope. Located in the city of San Diego at the southwest corner of Airway Road and Harvest Road. APN 646-120-22.

C-19362 - Mother Lode Real Investors, a General Partnership

10-Cal-4-PM 21.07 - Parcel 14905 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway. Authorizes condemnation of extinguishment of abutter's rights of access for a State highway. Located in the city of Angels Camp at South Main Street and Dogtown Road. APN 058-017-005.

C-19363 - Danae A. Paras, Trustee, etc., et al.

06-Tul-63-PM 7.08 - Parcel 84775-1, 2 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Visalia at 1933 South Mooney Boulevard. APNs 095-134-024, -030, -041, -047, -048 and -050